

ACTS
OF THE
FIFTY-THIRD
GENERAL ASSEMBLY
OF THE

State of New-Jersey,

**AT A SESSION BEGUN AT TRENTON ON THE TWENTY-EIGHTH DAY OF
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-
EIGHT, AND CONTINUED BY ADJOURNMENTS.**

BEING THE SECOND SITTING.



Trenton:
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1829.

AN ACT to authorize John Budd, of the county of Morris, to remove the obstructions from the outlet of Budds Lake, in said county of Morris.

WHEREAS it is represented, that the outlet of Budds Lake, in the township of Roxbury, in the county of Morris, has been obstructed by the wash of the road and stone placed at said outlet, by means of which the waters of said lake have been raised so high as to overflow a large quantity of land—
Therefore,

Preamble.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for John Budd to clear out and remove, or cause to be cleared and removed, the obstructions at the outlet of said Budds Lake, in the township of Roxbury, in said county of Morris: *Provided nevertheless,* that the same shall be done at the proper expense of the said John Budd.

Improvement authorized.

C. February 23, 1829.

AN ACT for the punishment of crimes.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person or persons, owing allegiance to this state, shall levy war against it, or shall adhere to its enemies, or to the enemies of the United States, giving them aid or comfort within this state or elsewhere, or by giving them advice or intelligence by letters or writing of any kind, or by messages, words, signs, or tokens, or in any way whatsoever within this state or elsewhere, or by procuring for, or furnishing to them, money or any kind of provisions, arms, or warlike stores within this state or elsewhere, or by bribery, or for reward, or promise thereof, or through favor, partiality, or treachery, yielding or surrendering to them any town or fortress, castles, garrisons, troops, militia, citizen, or citizens of this state or of the United States, or any ship, boat or vessel of this state, or of the United States, or by giving them aid or comfort in any other way, and shall be thereof convicted or attainted on confession in open court, or on the testimony of two witnesses, to the same overt act of the treason whereof he, she, or they shall stand indicted, such person or persons shall be adjudged guilty of treason, and shall suffer death.

Treason, what cases shall be adjudged, how proved and punished.

SEC. 2. *And be it enacted,* That if any person or persons, having knowledge of the commission of any of the treasons

Misprision of treason, what, and how punished.

aforesaid, shall conceal, and not, as soon as may be, disclose and make known the same to the governor of this state, or to some one of the justices of the Supreme Court thereof, or to some one of the justices of the peace in and for any of the counties of this state, such person or persons, on conviction, shall be adjudged guilty of misprision of treason, and shall suffer an imprisonment at hard labor for any term not exceeding seven years, or be fined not exceeding one thousand dollars, or both, at the discretion of the court before whom such offender or offenders shall be convicted.

Murder to be punished with death; and court may deliver criminals to surgeon for dissection.

SEC. 3. *And be it enacted*, That every person who shall commit murder, or shall aid, abet, counsel, hire, command, cause, or procure any person or persons to commit murder, shall, on being thereof convicted or attainted, suffer death; and in such case the court may, at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection: and the sheriff who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid: *Provided*, that such surgeon, or some person by him appointed for the purpose, shall attend to receive and take away the dead body at the time of the execution of such offender.

Rescue of body delivered for dissection, punishment for.

SEC. 4. *And be it enacted*, That if any person or persons, after such execution had, shall rescue, or attempt to rescue the body of such offender out of the custody of the sheriff or his officers, or the surgeon or his agents, during the conveyance of such body to any place for dissection, as aforesaid, or shall rescue, or attempt to rescue such body from the house of any surgeon where the same shall have been deposited in pursuance of this act, every person so offending shall be liable to a fine not exceeding one hundred dollars, and an imprisonment at hard labor not exceeding twelve months, or either of them, at the discretion of the court.

Manslaughter, how punished.

SEC. 5. *And be it enacted*, That if any person or persons commit the crime of manslaughter, and be thereof convicted; such person or persons shall be liable to a fine, not exceeding one thousand dollars, and an imprisonment at hard labor, not exceeding ten years, or either of them, at the discretion of the court.

Petit treason to be deemed murder only, and punished accordingly.

SEC. 6. *And be it enacted*, That from and after the passage of this act, in all cases wherein heretofore any person or persons would have been deemed or taken to have committed the crime of petit treason, such person or persons shall be deemed and taken to have committed the crime of murder only, and shall be indicted and prosecuted to final judgment accordingly; and the same punishment and no other shall be inflicted as in case of murder.

SEC. 7. *And be it enacted*, That sodomy, or the infamous

crime against nature, committed with mankind or beast, shall be adjudged a high crime and misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor, for any term not exceeding twenty-one years, or both. Sodomy, how punished.

Sec. 8. *And be it enacted*, That any person who shall have carnal knowledge of a woman, forcibly and against her will, or who shall aid, abet, counsel, hire, cause, or procure any person or persons to commit the said offence, or who being of the age of fourteen years, shall unlawfully and carnally know and abuse any woman child, under the age of ten years, with or without her consent, shall, on conviction, be adjudged guilty of a high misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding fifteen years, or both. Rape, what, and how punished. Carnal knowledge of a female under ten years of age, how punished.

Sec. 9. *And be it enacted*, That if any person shall unlawfully take any maid, widow, or wife, contrary to her will, and shall marry her himself, or cause or procure her to be married to another, either with or without her consent, or shall defile, or cause her to be defiled, such person so offending, his aiders, abettors, counsellors, and procurers, and such as wittingly receive such woman so taken against her will, and knowing the same, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be fined and sentenced to imprisonment at hard labor, for any term not exceeding twelve years; and every such marriage shall be void; and also the person to whom such woman shall be so married, shall not receive, take, hold, possess, or enjoy any part of her estate, real or personal, by any gift, grant, bequest, or devise, of, from, or under her; but every such gift, grant, bequest, or devise so made to him, or for his use, shall be void, and of no effect. Abduction of a woman, &c., how punished. Such marriages void, and the pretended husband deprived of possessing her estate &c.

Sec. 10. *And be it enacted*, That if any person shall unlawfully convey or take away any woman child, unmarried, whether legitimate or illegitimate, being within the age of fifteen years, out of or from the possession, custody, or governance, and against the will of the father, mother, or guardian of such woman child, though with her own consent, with an intent to seduce, deflower, or contract matrimony with her, such offender shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine and imprisonment at hard labor for any term not exceeding two years, or either of them, and if he deflower such woman child, or without the consent of her father, mother, or guardian, contract matrimony with her, then, and in such case, he shall be deemed guilty of a high misdemeanor, and on conviction, shall be punished by fine and imprisonment at hard labor, for any term not exceeding five years; and further, every such marriage shall be void. Taking a woman child under the age of fifteen years from the possession, or against the will of parents &c. with intent to defile her, how punished &c.

Sec. 11. *And be it enacted*, That if any person being married, or who hereafter shall marry, shall marry any person, Polygamy, what, and how punished &c.

the former husband or wife being alive, then the person so offending shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be punished by fine and imprisonment at hard labor for any term not exceeding ten years, or either of them, at the discretion of the court before whom such conviction shall be had; but neither this act, nor any thing therein contained shall extend to any person whose husband or wife shall be continually remaining without the United States of America for the space of five years together, or whose husband or wife shall absent him or herself, the one from the other, for the space of five years together in any parts within this state or the United States, the one of them not knowing the other to be living within that time; nor to any person who is, or shall be, at the time of such marriage, divorced by the sentence or decree of any authority or court having cognizance thereof; nor to any person where the former marriage hath been, or shall be, by the sentence or decree of any such authority or court declared to be void and of no effect; nor to any person for or by reason of any former marriage had or made, or to be had or made within the age of consent.

Women pregnant with bastard children, concealing their pregnancy, and being delivered in secret, how punished.

Concealing death of bastard child, the punishment prescribed.

Incest, what constitutes it, and how to be punished.

SEC. 12. *And whereas* many lewd and dissolute women, being pregnant with bastard children, but regardless of natural affection, or to avoid shame or escape punishment, conceal their pregnancy and the birth of such children, whereby many of them perish for want of the usual and necessary aid and assistance, and also conceal the death of such children, so that it cannot be known whether they were murdered or not, *Be it therefore enacted*, that if any woman shall conceal her pregnancy, and shall willingly and of purpose be delivered in secret by herself, of any issue of her body, male or female, which shall by law be a bastard, every such woman so offending shall be adjudged to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment at hard labor, not exceeding four months, or both. *And be it further enacted*, that if any woman shall endeavor privately, by drowning or secret burying, or in any other way, either by herself, or the procurement of others, to conceal the death of any such issue of her body, which if it were born alive would by law be a bastard, so that it may not come to light whether it were born alive or not, or whether it were murdered or not, then in every such case; the woman so offending, her aiders, abettors, counsellors, and procurers shall be adjudged to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding two hundred dollars, or by imprisonment at hard labor, not exceeding one year, or both, at the discretion of the court before whom such conviction shall be had.

SEC. 13. *And be it enacted*, That all persons who shall intermarry within the degrees prohibited by law, shall be ad-

judged to be guilty of incest and a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding eighteen calendar months, or both, at the discretion of the court before whom such conviction shall be had.

SEC. 14. *And be it enacted*, That every person who shall commit adultery, and be thereof convicted, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment, not exceeding the term of six months.

Adultery, how punished.

SEC. 15. *And be it enacted*, That every person who shall commit fornication, and be thereof convicted, shall be punished by a fine of fourteen dollars, to be paid to the overseers of the poor of the township where the offence was committed, for the use of the poor of said township.

Fornication, how punished &c.

SEC. 16. *And be it enacted*, That every person who shall be guilty of open lewdness or any notorious act of public indecency, grossly scandalous, and tending to debauch the morals and manners of the people, shall, on conviction, be liable to a fine, not exceeding one hundred dollars, and to an imprisonment at hard labor, not exceeding twelve months, or either of them, at the discretion of the court.

Open lewdness &c. to be punished &c.

SEC. 17. *And be it enacted*, That no prosecution, suit, or proceeding shall be commenced or carried on in any court of this state against any person for conjuration, witchcraft, sorcery, or enchantment, or for charging another with any such offence.

No suit against witchcraft, conjuration, &c. to be carried on.

SEC. 18. *And*, for the effectual prevention and punishment of any pretences to such arts or powers as are before mentioned, whereby ignorant persons are frequently deluded or defrauded, *Be it enacted*, that if any person shall pretend to exercise, or use any kind of conjuration, witchcraft, sorcery, or enchantment, or pretend, from his or her skill or knowledge in any occult or crafty science, to discover where, or in what manner any goods or chattels, supposed to have been stolen or lost, may be found, every person so offending, being thereof convicted, shall, for every such offence, be punished by fine, not exceeding fifty dollars, or imprisonment, not exceeding three months, or both, at the discretion of the court.

Persons pretending to witchcraft or occult science, how punished.

SEC. 19. *And be it enacted*, That all impostors in religion, such as personate our Saviour Jesus Christ, or suffer their followers to worship or pay them divine honors, or terrify, delude, or abuse the people by false denunciations of judgments, shall, on conviction, be punished for every such offence by a fine, not exceeding one hundred dollars, or an imprisonment, not exceeding six months, or both, at the discretion of the court.

Religious impostors, how to be punished.

SEC. 20. *And be it enacted*, That if any person shall wilfully blaspheme the holy name of God, by denying, cursing,

blasphemy, how punished.

or contumeliously reproaching his being or providence, or by cursing or contumeliously reproaching Jesus Christ, or the Holy Ghost, or the Christian religion, or the holy word of God, that is the canonical Scriptures contained in the books of the Old and New Testaments, or by profanely scoffing at or exposing them, or any of them, to contempt and ridicule, then every person so offending shall, on conviction thereof, be punished by a fine, not exceeding two hundred dollars, or an imprisonment at hard labor, not exceeding twelve months, or both, at the discretion of the court.

Perjury, and subornation of perjury, how to be punished.

SEC. 21. *And be it enacted*, That if any person shall wilfully and corruptly commit perjury, or shall by any means procure or suborn any person to commit corrupt and wilful perjury, on his or her oath or affirmation, in any action, plea, suit, bill, answer, complaint, indictment, controversy, matter, or cause depending, or which may depend, in any of the courts of this state, or before any referees or arbitrators, or in any deposition taken or to be taken pursuant to the laws of this state, every person so offending shall be deemed guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding eight hundred dollars, or by imprisonment at hard labor, not exceeding seven years, or both, at the discretion of the court, and be thereafter rendered incapable of giving testimony in any of the courts of this state, until such time as the judgment so given against the said offenders shall be reversed.

In prosecutions for perjury, it is sufficient to set forth the substance of the charge.

SEC. 22. *And be it enacted*, That in every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, and before whom the oath or affirmation was taken, averring such court or person or persons to have competent authority to administer the same, together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceedings, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court or person or persons before whom the perjury was committed.

Also, in prosecutions for subornation of perjury.

SEC. 23. *And be it enacted*, That in every presentment or indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceedings, either in law or equity, and without setting forth the commission or authority of the court

or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

SEC. 24. *And be it enacted*, That if any person shall directly or indirectly give any sum or sums of money, or any goods, chattels, lands, or real estate, or any other bribe, present, or reward, or give or make any promise, contract, covenant, obligation, or security for the payment, delivery, alienation, or transfer of any money, goods, chattels, lands, or real estate, or other bribe, present, or reward to obtain, procure, or influence the opinion, judgment, decree, or behavior of any judge or judges, justice or justices, of this state, in any action, plea, suit, complaint, indictment, controversy, matter, or cause depending, or which shall depend before him or them, such person so giving, promising, contracting, covenanting, or securing to be given, paid, delivered, aliened, or transferred any sum or sums of money, goods, chattels, lands, real estate, or other present, reward, or bribe as aforesaid, and the judge or judges, justice or justices, who shall in any wise receive or accept the same, shall be adjudged guilty of a high misdemeanor, and, on conviction thereof, be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both; but such fine shall not exceed eight hundred dollars, and such imprisonment shall not exceed five years: and also shall for ever be disqualified to hold any office of honor, trust, or profit under this state.

Bribery, what cases shall be adjudged, and how punished.

SEC. 25. *And be it enacted*, That no judge, justice, sheriff, coroner, constable, jailer, or other officer of this state, ministerial or judicial, shall receive or take any fee or reward to execute and do his duty and office, but such as is or shall be allowed by the laws of this state; and if any doth, he shall restore to the party grieved double damages and costs: *And further*, that if any such judge, justice, sheriff, coroner, constable, jailer, or other officer as aforesaid, shall receive or take, by color of his office, any fee or reward whatsoever, not allowed by the laws of this state, for doing his office, and be thereof convicted, he shall be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, the fine not to exceed four hundred dollars, nor the imprisonment the term of two years.

Extortion, what, and how punished.

SEC. 26. *And be it enacted*, That embracery, and all attempts to corrupt or influence a jury, or any of them, or any way to incline such jury, or any of them, to be more favorable to the one side than to the other, by promises, persuasions, entreaties, threats, letters, money, entertainments, or other sinister means, and all indirect, unfair, and fraudulent practices, arts, and contrivances to obtain a verdict, and all attempts to instruct a jury or juror beforehand, or at any place or time, or in any manner or way, except only in open court at the trial of the cause by the strength of the evidence, the arguments of the parties or their counsel, or the opinion or

Embracery, how punished.

A juror who shall take a bribe, how to be punished.

charge of the court, shall be deemed misdemeanors, and be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, the fine in such case not to exceed three hundred dollars, nor the imprisonment the term of one year: *And further*, if any juror take money, goods, chattels, or other reward of the one party or the other, or be so as aforesaid embraced, then every such juror shall, on conviction, be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, the fine in such case not to exceed six hundred dollars, nor the imprisonment the term of two years, and, also, shall be for ever disqualified to serve or act as a jurymau.

Arson, and the punishment thereof.

SEC. 27. *And be it enacted*, That if any person wilfully and maliciously shall burn, or cause to be burned, or aid, counsel, procure, or consent to the burning of the dwelling house of another, or any kitchen, shop, barn, stable, or other out-house that is parcel thereof, or belonging or adjoining thereto, or any other building, by means whereof a dwelling house shall be burnt, then, and in every such case, the persons so offending shall be adjudged guilty of arson, and be proceeded against for a high misdemeanor, and, on conviction, shall be punished by fine, and imprisonment at hard labor for any term not exceeding fifteen years.

Burning public buildings, mills, and out-houses, how to be punished.

SEC. 28. *And be it enacted*, That if any person wilfully and maliciously shall burn, or cause to be burned, or aid, counsel, procure, or consent to the burning of any barn, stable, or other building of another, not parcel of the dwelling house, or any shop, storehouse, warehouse, malthouse, mill, or other building of another, or any ship, boat, or other vessel of another, lying within the body of any county in this state, or any church, meetinghouse, courthouse, workhouse, jail, or other public building, then, and in every such case, the person so offending shall be adjudged guilty of a misdemeanor, and, on conviction, shall be liable to a fine, and imprisonment at hard labor for any term not exceeding ten years, or either of them.

Dwelling houses, mills, &c., setting fire to, with intention to burn, how punished.

SEC. 29. *And be it enacted*, That if any person shall wilfully and maliciously set fire to, or aid, procure, or consent to the setting fire to any church, meetinghouse, courthouse, workhouse, jail, or other public building, or any dwelling-house, kitchen, shop, storehouse, warehouse, malthouse, mill, barn, stable, or other house or building of another, or any ship, boat, or other vessel of another, lying within the body of any county in this state, with intent to burn the same, then, and in every such case, the person so offending shall be adjudged guilty of a misdemeanor, and, on being thereof convicted, shall be punished by fine, and imprisonment at hard labor for any term not exceeding five years, or either of them.

SEC. 30. *And be it enacted*, That if any person shall, by

night, wilfully and maliciously break and enter any church, meetinghouse, dwellinghouse, shop, warehouse, mill, barn, stable, outhouse, or other building whatsoever, with intent to kill, rob, steal, commit a rape, mayhem, or battery, every such offender, and his and her procurers, counsellors, aiders, and abettors shall be deemed guilty of a high misdemeanor, and, on being thereof convicted in due course of law, shall be punished by fine, not exceeding five hundred dollars, and imprisonment at hard labor, not exceeding ten years, or both, at the discretion of the court before whom such conviction shall be had.

Burglary defined, and punishment prescribed.

SEC. 31. *And be it enacted*, That if any person shall steal of the money or personal goods and chattels of another under the price or value of twenty dollars, he or she so offending shall be deemed guilty of a misdemeanor, and, on conviction of any such offence, shall be punished in the county where the conviction may be had by fine, or imprisonment in the cells, or imprisonment at hard labor in the common jail of the county, or by whipping, at the discretion of the court before whom such conviction shall be had, the fine not to exceed one hundred dollars, nor the term of imprisonment three months, nor the whipping to exceed thirty-nine lashes; and that every person accused of offending as aforesaid may be taken before any two of the justices of the peace of the county, city, or town corporate where the offence was committed, who are hereby authorized and required to hear and determine the same, if the person accused shall consent thereto; and if on trial such person shall, from the evidence produced, appear to be guilty, the said justices shall sentence him or her accordingly;—and no person hereafter convicted of larceny under the value of twenty dollars, shall be sent to the state-prison for such offence: *And further*, all fines that are imposed upon any person for offences that are tried and punished in any of the courts in this state (fornication excepted) shall be paid to the county collector, for the use of the county.

Larceny to the value of twenty dollars, how punished.

SEC. 32. *And be it enacted*, That if any person shall steal of the money or personal goods and chattels of another, under the sum or value of twenty dollars, such person being committed to jail for the same for want of bail, and requesting to be tried before two justices of the peace, in the manner prescribed in the next preceding section, shall and may, by virtue of a warrant under the hands and seals of any two justices of the county, city, or town corporate wherein such fact was committed, or wherein such money, goods, or chattels were found on the person, or in his custody, to the sheriff or constable of such county, city, or town corporate, directed to be brought before the said justices, at such time and place as in the said warrant shall be appointed; and such sheriff or constable shall attend the said justices with the prisoner, during such reasonable time as the said justices shall direct: that the

No person convicted of stealing, under the sum of twenty dollars, to be sent to the state-prison.

said justices shall then cause the clerk of the Court of Quarter Sessions of the county, city, or town corporate, or such other person as the said justices shall see fit to appoint and direct, to prefer to the said justices an accusation, in writing, alleging the time, place; and nature of the offence of the prisoner so as aforesaid brought before them, which the said justices are hereby fully empowered and required to hear and determine; to which accusation the said prisoner shall plead: and on refusal to plead, or on trial and conviction in manner aforesaid, shall suffer and incur, by order of the said justices, the punishment, penalty, and forfeiture prescribed and directed in the preceding section of this act, at the discretion of the said justices.

Above the value of twenty dollars &c., how to be punished.

SEC. 33. *And be it enacted*, That if any person shall steal of the money or personal goods and chattels of another of or above the price or value of twenty dollars, or shall steal the money or personal goods and chattels of another, from his or her person, whether privately or without his or her knowledge, or openly and in his presence, to any value whatever above the sum of twenty dollars, or shall, in any church, meetinghouse, or place of worship, or any dwellinghouse, shop, storehouse, warehouse, mill, barn, stable, outhouse, or other building, steal of the money or personal goods and chattels of another, to any value whatever above the said sum of twenty dollars, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labor, not exceeding ten years, or both.

Robbery, how punished.

SEC. 34. *And be it enacted*, That if any person shall forcibly take from the person of another money or personal goods and chattels, to any value whatever, by violence, or putting him or her in fear, every person so offending, and his or her aiders, procurers, and abettors shall be adjudged guilty of a high misdemeanor, and, on conviction, shall be punished by a fine, not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding fifteen years, or both.

Assault, with intent to rob, or house-breaking, by day, with intent to kill, rob, &c., how punished.

SEC. 35. *And be it enacted*, That if any person shall unlawfully and maliciously assault another with any offensive weapon or instrument, or by menaces, or in and by other forcible and violent manner and means, demand of another any money or personal goods and chattels, with intent to rob him or her, or shall, by day, wilfully and maliciously break and enter any dwelling-house, shop, warehouse, storehouse, mill, barn, stable, outhouse, or other building whatever, with intent to kill, rob, steal, or commit a rape, mayhem, or battery, then, and in every such case, the person so offending, and his or her counsellors, procurers, aiders, and abettors shall be deemed guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding five hundred dollars,

or imprisonment at hard labor for any term not exceeding ten years, or both.

SEC. 36. *And be it enacted*, That if any person shall wilfully and maliciously enter, either by day or by night, without breaking the same, any church, meetinghouse, or place of worship, or any dwellinghouse, shop, warehouse, storehouse, mill, barn, stable, outhouse, or other building whatsoever, with intent to kill, rob, steal, or commit a rape, mayhem, or battery, then, and in every such case, the person so offending, and his or her counsellors, procurers, aiders, and abettors shall be deemed guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor for any term not exceeding five years, or both.

Entering dwellinghouse without breaking, with intent to kill &c., how punished.

SEC. 37. *And be it enacted*, That if any apprentice or servant, whether bound or hired, to whom any money, bank bill or note, or goods or chattels, shall be, by his or her master or mistress, delivered to be safely kept, shall withdraw himself or herself from his or her said master or mistress, and go away with the said money, bank bill or note, goods or chattels, or any part thereof, with intent to steal the same, and defraud his or her said master or mistress thereof, contrary to the trust and confidence in him or her reposed by his or her said master or mistress, or, being in the service of his or her said master or mistress, without assent or commandment of his or her said master or mistress, shall embezzle the said money, bank bill or note, goods or chattels, or any part thereof, or otherwise shall convert the same to his or her own use, with like purpose to steal the same, then, and in every such case, the person so offending shall be judged guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both: *Provided*, that this clause or section shall not extend to any apprentice or servant, guilty of any of the premises therein mentioned, within the age of fourteen years.

Apprentices or servants, intrusted by their masters with money or goods, and who shall go away, with intent to steal them, or who shall embezzle them, how punished.

Proviso.

SEC. 38. *And be it enacted*, That if any lodger shall take away, with intent to steal, embezzle, or purloin any bedding, furniture, goods, or chattels, which by contract or agreement he or she is to use, or shall be let to him or her to use, in or with his or her lodging, then, and in such case, every person so offending shall be deemed guilty of a misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding two hundred dollars, or imprisonment at hard labor, not exceeding two years, or both.

Lodger, stealing goods from his landlord, how punished.

SEC. 39. *And be it enacted*, That if any person shall steal, or take by robbery, any bank bill or note, bill of exchange, order, warrant, draught, check, bond, bill, or promissory note for payment of any money, or any certificate or other public

For stealing bills, bonds, notes &c., how punished.

security of the United States, or of this state, or of any of the United States, for payment of money, or acknowledging the receipt of money or goods, being the property of any other person or persons, or of any corporation, notwithstanding the said particulars, or any of them are, or may be termed in law choses in action, it shall be deemed and construed a misdemeanor of the same nature, in the same degree, and in the same manner, as it would have been if the offender had stolen or taken by robbery any other goods of like value, with the money due on such bank bill or note, bill of exchange, order, warrant, draught, check, bond, bill, or promissory note, or certificate or other public security, or secured thereby and remaining unsatisfied, and such offender shall suffer such punishment as he or she should or ought to have done if he or she had stolen or taken by robbery other goods of the like value, with the money due on such bank bill or note, bill of exchange, order, warrant, draught, check, bond, bill, or promissory note, or certificate or other public security, respectively, or secured thereby, and remaining unsatisfied.

Stealing
deeds &c.,
how punished.

SEC. 40. *And be it enacted*, That if any person shall steal or take, by robbery, any letters patent, charter, testament, will, or deed, whether indented or poll, covenant, assurance, lease, indenture of apprenticeship, articles of agreement, contract, letter of attorney, or other power, or any instrument of writing respecting any property, real or personal, or any release, acquittance, voucher, receipt, receipt book, waste book, day book, journal, ledger, or other book of accounts of or belonging to another, every such offender shall be deemed guilty of a misdemeanor, and, on being convicted thereof, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labor, not exceeding ten years, or both.

Persons steal-
ing and alter-
ing records
&c., whereby
any judgment
is reversed,
their punish-
ment pre-
scribed.

SEC. 41. *And be it enacted*, That if any clerk, coroner, sheriff, justice, or judge, or any other person, shall steal, embezzle, take away, alter, withdraw, falsify, or avoid any record, or parcel of the same, writ, return, panel, process, minutes, documents, book, or other proceeding, of or belonging to any of the courts of this state, or of or belonging to the office of the secretary of this state, or of the office of the clerk of the Supreme Court, or of the Inferior Court of Common Pleas, or General Quarter Sessions of the Peace, of any city or county in this state, by means whereof any verdict, judgment, sentence, or decree shall be reversed, annulled, made void, or lose its force and effect, then every such offender, his or her procurers, counsellors, aiders, and abettors, shall be adjudged guilty of a high misdemeanor, and, on being convicted thereof, shall be punished by fine, not exceeding seven thousand dollars, or imprisonment at hard labor, not exceeding seven years, or both; and in case no verdict, judgment, sentence, or decree shall be reversed, annulled, made void, or lose its force and effect by

And if judg-
ment &c. be
not reversed,
the punish-
ment pre-
scribed.

any such stealing, embezzling, taking away, altering, withdrawing, falsifying, or avoiding of any of the records, proceedings, minutes, books, matters, or things aforesaid; then every such offender, his or her procurers, counsellors, aiders, and abettors shall, on conviction, be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding four years, or both: *Provided always*, that this act shall not extend to any amendment or entry made, or to be made, by any rule, order, judgment, or decree of any court. Provido.

SEC. 42. *And be it enacted*, That if any person shall falsely make, alter, forge, or counterfeit, or cause, counsel, hire, command, or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging, or counterfeiting any record or other authentic matter of a public nature, charter, letters patent, deed, lease, writing sealed, will, testament, annuity, bond, bill, writing obligatory, bank bill or note, check, draught, bill of exchange, promissory note for the payment of money, endorsement, or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of a bill of exchange, or the number or principal sum of any accountable receipt for any note, bill, or other security for the payment of money, or any warrant, order, or request for the payment of money, or delivery of goods or chattels of any kind, or any acquittance or receipt, either for money or goods, or any acquittance, release, or discharge of any debt, account, action, suit, demand, or other thing, real or personal, or any transfer or assurance of money, stock, goods, chattels, or other property whatsoever, or any letter of attorney or other power to receive money, or to receive or transfer stock or annuities, or to let, lease, sell, dispose of, alien, or convey any goods or chattels, lands or tenements, or other estate, real or personal, with intent to prejudice, injure, demand, or defraud any person or persons, body politic or corporate, or shall utter or publish, or cause, counsel, hire, command, or procure to be uttered or published, as true, any of the above false, altered, forged, or counterfeited matters, as above specified and described, knowing the same to be false, altered, forged, or counterfeited, with intent to prejudice, injure, damage, or defraud any person or persons, body politic or corporate, then every such offender shall be deemed guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine and imprisonment at hard labor, or both, provided such imprisonment shall not exceed the term of ten years. Forgery, the punishment thereof prescribed.

SEC. 43. *And be it enacted*, That if any person shall acknowledge, or procure to be acknowledged, any fine or fines, common recovery or recoveries, deed or deeds, recognizance or recognizances, bail or bails, judgment or judgments, in the Persons not knowing fines, recoveries, deeds, bail, judgments, &c. in the names of others, not privy thereto, or personating others as bail, their punishment prescribed.

Proviso.

name or names of any other person or persons not privy or consenting to the same; and if any person shall, before any person or persons authorized to take bail or bails, represent or personate any other person or persons, whereby the person or persons so represented or personated may be liable to the payment of any sum or sums of money for debt or damages, to be recovered in the same suit or action wherein the person or persons are represented or personated, as if he, she, or they had really acknowledged and entered into the same bail or bails, every such person or persons so offending shall be adjudged guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding seven thousand dollars, or imprisonment at hard labor, or both: *Provided* such imprisonment shall not exceed the term of seven years: *And provided also*, that this act shall not extend to the acknowledgment of any judgment or judgments by any attorney or attorneys, duly admitted, for any person or persons against whom any such judgment or judgments shall be had or given.

Persons using any false token or writing to obtain money or goods with intent to cheat or defraud, how punished.

SEC. 44. *And be it enacted*, That all persons who knowingly and designedly, by color of any false token, counterfeit letter or writing, or false pretence or pretences, shall obtain from any person money, wares, merchandise, goods, or chattels, or other valuable thing, with intent to cheat or defraud any person or persons, body politic or corporate, of the same, then every person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding three years.

The obstructing the execution of process by any officer &c., how to be punished.

SEC. 45. *And be it enacted*, That if any person or persons shall knowingly and wilfully obstruct, resist, or oppose any sheriff, coroner, constable, or other officer of this state, or other person or persons duly authorized, in serving or attempting to serve or execute any mesne process, writ, warrant, rule, or order of any of the courts of this state, or any other legal or judicial writ, warrant, or process whatsoever, or shall assault, beat, or wound any sheriff, coroner, constable, or other officer or person duly authorized, in serving or executing any writ, rule, order, process, or warrant aforesaid, or for having served or executed the same, every person so knowingly and wilfully offending in the premises shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding eight hundred dollars, or by imprisonment at hard labor, not exceeding two years, or both.

Sheriffs and other officers, guilty of voluntary escapes in capital cases, how punished.

SEC. 46. *And be it enacted*, That if any sheriff, coroner, jailer, keeper of a jail, constable, or other officer or person whatsoever, having any offender guilty of treason, murder, or other crime punishable with death, in his custody for any such crime, shall voluntarily permit or suffer such offender to es-

escape and go at large, then every such sheriff, coroner, jailer, keeper of a jail, constable, or other officer or person so offending shall be adjudged guilty of a high misdemeanor, and, on being thereof convicted, shall suffer death: *Provided*, that nothing herein contained shall be construed to prevent any sheriff, coroner, jailer, keeper of a jail, constable, or other officer or person so guilty of such voluntary escape as aforesaid from being prosecuted or proceeded against for a misdemeanor at common law.

SEC. 47. *And be it enacted*, That all voluntary escapes in cases not punishable with death, and all negligent escapes, of whatever kind, in criminal matters, shall be deemed misdemeanors, and punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding three years, or both: *And further*, any sheriff, coroner, jailer, keeper of a jail, constable, or other officer who shall be guilty of any voluntary escape in any criminal case whatever, shall forever be disqualified to hold any office of honor, trust, or profit under this state.

Voluntary escapes, in cases not capital, and negligent escapes, the penalty for.

SEC. 48. *And be it enacted*, That all rescues of any person or persons guilty of treason, murder, or other crime punishable with death, shall be deemed high misdemeanors, and every person so offending shall, on conviction, suffer death: *Provided*, that nothing herein contained shall be construed to prevent any such rescue as aforesaid from being prosecuted and proceeded against for a misdemeanor at common law.

Rescuer of persons guilty of capital crimes, penalty &c. Proviso.

SEC. 49. *And be it enacted*, That all rescues in criminal cases not punishable with death, and in all civil cases, shall be deemed misdemeanors; and every such rescuer shall, on conviction, be liable to a fine, not exceeding one thousand dollars, or an imprisonment at hard labor, not exceeding three years, or both.

Rescuers in criminal cases which are not capital, and in all civil cases, the penalty &c.

SEC. 50. *And be it enacted*, That from henceforth no person who, being imprisoned, shall break prison shall have judgment of life or member for breaking prison only, except the cause for which such prisoner was taken and imprisoned did require such judgment if he had been convicted thereupon: and if any person, being imprisoned for a crime not punishable with death, shall break prison, and escape, or shall break prison, although no escape be actually made, he or she so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding three years, or both.

Prisoner breaking prison, not to suffer death, except confined for a crime punishable with death.

SEC. 51. *And be it enacted*, That if any person shall, by any means whatsoever, be aiding or assisting to any prisoner in jail, indicted for, or convicted of any offence against this state, or sentenced to imprisonment on such conviction, or lawfully committed or detained in such jail for any crime

Assisting a prisoner in jail to escape, penalty for.

Conveying to such prisoner any disguise or arms proper to facilitate his escape, the penalty for.

Assisting a prisoner to escape from a constable or other person, how punished.

against this state, expressed in the warrant of his or her commitment or detainer, to make or to attempt to make his escape from any jail, although no escape be actually made, every person so offending as aforesaid, and being thereof convicted, shall be deemed to be guilty of a misdemeanor, for which he or she shall be liable to a fine, not exceeding five hundred dollars, or an imprisonment at hard labor, not exceeding two years, or both: and if any person shall convey, or cause to be conveyed, into any jail or house of correction any mask, visor, or other disguise, or any instrument or arms proper to facilitate the escape of such prisoners as aforesaid, and the same shall deliver, or cause to be delivered to any such prisoner in any such jail or house of correction, or to any other person there, for the use of any such prisoner, without the consent or privity of the keeper of such jail or house of correction, every such person, although no escape, or attempt to escape be actually made, shall be deemed to have delivered such mask, visor, or other disguise, instrument, or arms, with intent to aid or assist such prisoner to escape, and being thereof convicted, shall be deemed and judged to be guilty of a misdemeanor, for which he or she shall be liable to a fine, not exceeding five hundred dollars, or an imprisonment at hard labor, not exceeding two years, or both: *And further*, if any person shall aid or assist any prisoner to attempt to make his or her escape from the custody of any constable, officer, or other person who shall have the lawful charge of such prisoner, in order to conduct or carry him or her to jail by virtue of a warrant of commitment for any crime against this state, expressed in such warrant, or to the house of correction, by virtue of any order, sentence, or judgment of imprisonment on conviction of any crime against this state, then every person so offending, on being thereof convicted, shall be deemed and adjudged to be guilty of a misdemeanor, for which he or she shall be liable to a fine, not exceeding five hundred dollars, or an imprisonment at hard labor, not exceeding two years, or both.

Compounding of treason and other crimes, how punished.

SEC. 52. *And be it enacted*, That if any person take money, goods, chattels, lands, or other reward, or promise thereof, to compound, or upon agreement to compound, any treason, misprision of treason, murder, manslaughter, sodomy, rape, arson, forgery, burglary, housebreaking, robbery, larceny, kidnapping, escape, rescue, breach of prison, embracery, bribery, perjury, or subornation of perjury, every person so offending shall be deemed to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding twelve months, or both.

Conspiracy, what, and how punished.

SEC. 53. *And be it enacted*, That all such as combine, unite, confederate, conspire, or bind themselves by oath, covenant, agreement, or other alliance, that they shall and will mutually

aid, support, and help one another falsely and maliciously to indict, or cause or procure to be indicted, any person or persons, shall be deemed guilty of conspiracy, and, on being thereof convicted, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labor, not exceeding two years, or both.

SEC. 54. *And be it enacted*, That if any person shall kidnap or steal, or forcibly take away any man, woman, or child, bond or free, and send or carry, or with intent to send or carry such man, woman, or child from this state into another state or country, or shall spirit, persuade, or entice any child within the age of fourteen years to leave his or her father, mother, or guardian, or other person or persons intrusted with the care of such child, and the same child shall secrete and conceal, then the person so offending in any of the premises, and his or her procurers, shall be adjudged to be guilty of a high misdemeanor, and, on conviction, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding five years, or both.

Kidnapping and spiriting away children, punishment for.

SEC. 55. *And be it enacted*, That if any person shall voluntarily, unlawfully, and on purpose cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, lip, or ear, cut off the nose or lip, or cut off or disable any limb or member of any person, or brand any person with intention of so doing, to murder or kill, to maim or disfigure, such person, in any of the manners before mentioned, then, and in every such case, the person so offending shall, on conviction, be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding seven years, or both.

Cutting out, or attempting to cut out the tongue, cutting off, or maiming the nose, ear, lip, &c. of any person, how punished.

SEC. 56. *And be it enacted*, That if any person shall, by word, message, letter, or any other way, challenge another to fight a duel with a rapier or smallsword, backsword, pistol, or other dangerous weapon, or shall accept a challenge, although no duel be fought, or knowingly be the bearer of such challenge, or shall any way abet, prompt, encourage, persuade, seduce, or cause any person to fight a duel, or to challenge another to fight such duel, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labor, not exceeding two years, or both: *And further*, if any person shall engage in, and fight a duel with another, with a rapier, or smallsword, backsword, pistol, or other dangerous weapon, although death does not thereby ensue, or shall be a second in any such duel, then, and in such case, every person so offending shall be adjudged to be guilty of a high misdemeanor, and, on conviction, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding four years, or both, and shall not, after such conviction, hold any office of profit or trust under this state.

Challenging to fight a duel, though no duel be fought, the penalty for &c.

Duel, punishment for fighting, where death does not ensue.

Sending letter or other writing threatening to accuse of an indictable offence, with intent to extort money, or demanding money, or threatening to maim or kill, or to burn houses &c., how punished.

Sec. 57. *And be it enacted,* That if any person shall knowingly send or deliver any letter or writing, with or without a name subscribed thereto, or sign, with a fictitious name, letter or letters threatening to accuse any person of a crime of an indictable nature by the laws of this state, with intent to extort from him or her any moneys, wares, merchandise, goods, or chattels, or other valuable thing, or demanding money, goods, or chattels, or other valuable thing, or threatening to maim, wound, kill, or murder any person, or to burn his or her house, outhouse, barn, or other building, or stack or stacks of corn, grain or hay, though no money, goods, or chattels, or other valuable things be demanded by such letter or writing, then every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding nine months, or both.

Stealing lead or iron, fixed to a house, or grass or grain standing and growing, how punished.

Sec. 58. *And be it enacted,* That if any person shall steal, or shall rip, cut, or break, with intent to steal, any lead or iron, bar iron rail, iron gate, or iron palisado, or any lock fixed to any dwellinghouse, outhouse, stable, or any other building, or shall pull, cut, gather, or take away, with intent to steal, any flax, grass, or indian corn, wheat, rye, barley, oats, or grain of any kind, standing and growing, of another, then every person offending in any of the premises shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding fifty dollars, or imprisonment at hard labor, not exceeding nine months, or both.

Stealing, in the nighttime, vegetables or fruit standing or growing, how punished.
See supplement 31st of May, 1820.

Sec. 59. *And be it enacted,* That if any person shall dig, pull up, pick, or gather, with intent to steal, any turnips, potatoes, cabbage, parsnips, carrots, peas, beans, muskmelons, watermelons, apples, peaches, plums, cherries, or other roots, vegetables, or fruit of any kind, standing or growing, of another, under the value of twenty dollars, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding forty dollars, or imprisonment in the county jail, not exceeding three months, or both: and that every person accused of offending as aforesaid may be taken before any two of the justices of the peace of the county, city, or town corporate where the offence was committed, who are hereby authorized and required to hear and determine the same, if the person accused shall consent thereto; and if, on the trial, such person shall, from the evidence produced, appear to be guilty, the said justices shall sentence him or her accordingly.

Persons maliciously destroying deeds, bonds, and other writings, how punished.

Sec. 60. *And be it enacted,* That if any person shall wilfully, unlawfully, and maliciously tear, cut, burn, or in any way whatever destroy any letters patent, charter, deed, indented or poll, lease, indenture of apprenticeship, writing sealed, will, testament, bond, annuity, bill writing obligatory, release, bank bill or note, check, draught, bill of exchange, promissory note

for the payment of money, endorsement, or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill, or other security for the payment of money, or any warrant, order, or request for the payment of money, or the delivery of goods or chattels of any kind, any certificate or other public security of the United States, or of this state, or of any of the United States, for the payment of money, or acknowledging the receipt of money or goods, or any acquittance or receipt, either for money or goods, or any acquittance, release, or discharge of any debt, account, action, suit, demand, or other thing, real or personal, or any transfer or assurance of money, stock, goods, chattels, or other property whatsoever, or any letter of attorney, or other power, to receive money, or to receive or transfer stock or annuities, or to let, lease, sell, dispose of alien, or convey any goods or chattels, lands, or tenements, or other estate, real or personal, or any day book, journal, ledger, or book of accounts, or any agreement or contract in writing, whether sealed or not, respecting any estate, real or personal, with intent to prejudice, injure, damage, or defraud any person or persons, body politic or corporate, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding eight hundred dollars, or imprisonment at hard labor, not exceeding ten years, or both.

Sec. 61. *And be it enacted*, That if any person shall wilfully, unlawfully, and maliciously cut down, break down, level, demolish or otherwise destroy or damage any bridge, or sea or river-bank, or any meadow-bank, or mill-dam, or break or destroy the windows or doors of any dwellinghouse, or other house, or building, or set fire to, or burn, or destroy, or procure, or cause to be burned or destroyed, any barrack, cock, crib, rick, or stack of hay, corn, wheat, rye, barley, oats, or grain of any kind, or any fences, piles of wood, boards, or other lumber, or shall wilfully, unlawfully, and maliciously kill or destroy any horse, mare, or gelding, or any bull, ox, steer, bullock, cow, heifer, or calf, or any sheep or lamb, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one hundred and fifty dollars, or imprisonment at hard labor, not exceeding two years, or both.

Malicious mischief to bridges, houses, horses, cattle, grain, lumber, &c., how punished.

Sec. 62. *And be it enacted*, That if any person or persons shall receive or buy any goods or chattels that shall be stolen or taken by robbery from any other person, knowing the same to have been so stolen or taken by robbery, or shall receive, harbor, or conceal any thief or thieves, robber or robbers, knowing him, her, or them to be so, he, she, or they so offending shall be deemed guilty of a high misdemeanor, and, on conviction, be punished by fine, not exceeding three hundred dol-

Receivers of goods stolen and taken by robbery, and harborers of thieves or robbers, how to be punished.

lars, or imprisonment at hard labor, not exceeding three years, or both.

Concealment
of burglary,
robbery, &c.,
how to be
punished.

SEC. 63. *And be it enacted*, That if any person or persons, having knowledge of the actual commission of murder, manslaughter, sodomy, rape, arson, burglary, robbery, or forgery, within the jurisdiction of this state, shall conceal, and not, as soon as may be, disclose and make known the same to some one of the justices of the Supreme Court, or one of the justices of the peace in and for any of the counties of this state, such person or persons, on conviction thereof, shall be adjudged guilty of a misdemeanor, and shall be fined, not exceeding five hundred dollars, or suffer an imprisonment at hard labor, not exceeding three years, or both.

Persons kill-
ing others at-
tempting to
rob, murder,
&c. to be ac-
quitted.

SEC. 64. *And be it enacted*, That if any person shall attempt to commit murder, sodomy, rape, robbery, arson, or burglary, and in such attempt shall be slain, the slayer shall be deemed faultless, be liable to no forfeiture, and be totally acquitted and discharged.

Persons kill-
ing others by
misadventure,
or in their
own defence
&c. to be ac-
quitted.

SEC. 65. *And be it enacted*, That if any person kill another by misadventure, or in his or her own defence, or in the defence of his or her husband, wife, parent, child, master, mistress, or servant, then the person so killing shall be deemed guiltless, be liable to no forfeiture, and be totally acquitted and discharged.

If persons at-
tempting to
commit rob-
bery, burgla-
ry, arson, &c.
shall kill an-
other, or death
shall ensue;
or if any offi-
cer of justice
be killed in
the execution
of his office
&c., such kill-
ing shall be
murder.

SEC. 66. *And be it enacted*, That if any person or persons in committing, or attempting to commit sodomy, rape, arson, robbery, or burglary, or any unlawful act against the peace of this state, of which the probable consequence may be bloodshed, shall kill another, or if the death of any one shall ensue from the committing, or attempting to commit any such crime or act as aforesaid, or if any person or persons shall kill any judge, justice of the peace, sheriff, coroner, constable, or other commonly known officer of justice, either civil or criminal, of this state, or the marshal or other commonly known officer of justice, either civil or criminal, of the United States, in the execution of his office or duty, or shall kill any of his assistants, whether specially called to his aid or not, endeavoring to keep and preserve the peace or apprehend a criminal, knowing the authority of such assistant, or shall kill a private person endeavoring to suppress an affray or to apprehend a criminal, knowing the intention with which such private person interposes, then such person or persons so killing as aforesaid, on conviction, shall be adjudged to be guilty of murder, and shall suffer death.

Persons main-
taining the au-
thority of fo-
reign powers
over this state,
how punish-
ed.

SEC. 67. *And be it enacted*, That if any person, owing allegiance to this state, shall, by speech, writing, open deed, or act, advisedly and wittingly maintain and defend the authority or jurisdiction of any foreign power, potentate, republic, king, state, or nation whatsoever, in and over this state, or the peo-

ple thereof, such person so offending shall, on conviction, be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, the fine not to exceed four hundred dollars, nor the imprisonment the term of one year.

SEC. 68. *And be it enacted*, That if a butcher or other person shall sell, offer, or expose to sale the flesh of any animal dying otherwise than by slaughter, or slaughtered while diseased, or any contagious or unwholesome flesh; or, if a baker, brewer, distiller, or other person shall sell unwholesome bread, drink, or liquor, he or she shall be adjudged guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding fifty dollars, or by imprisonment in the county jail, not exceeding four months.

Assaults, batteries, and other offences at common law, not provided for by this or some other act, how punished.

SEC. 69. *And be it enacted*, That the court or justices before whom any negro, indian, or mulatto slave shall be convicted of any offence not punishable with death, shall have authority to impose, instead of the punishment by this act prescribed, such corporal punishment, not extending to life or limb, as such court or justices, in their discretion, shall direct.

In what case corporal punishment may be imposed on negroes, indians and mulattos.

SEC. 70. *And be it enacted*, That if any person shall sell or exchange, or offer for sale or exchange, or willingly receive, any forged or counterfeit promissory note, with intention to have the same uttered or passed to defraud any person or body politic or corporate, then every such person, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Criminals sentenced to hard labor, escaping, how to be punished.

SEC. 71. *And be it enacted*, That if any person shall make or engrave, cause or procure to be made or engraved, any plate for forging or counterfeiting any promissory note, for the payment of money, in the name of any person or body politic or corporate, then every such person, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Any person making or procuring a plate for the purpose of counterfeiting any promissory note &c., guilty of a misdemeanor.

SEC. 72. *And be it enacted*, That if any person shall have in his or her possession, or receive from any other person, any forged or counterfeited promissory note for the payment of money, with intent to utter or pass the same, or to permit, or cause, or procure the same to be uttered or passed, with intention to defraud any person or body politic or corporate whatsoever, knowing the same to be forged or counterfeited, then every such person, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Any person having or receiving counterfeit money, with the intention of passing the same &c., how considered.

SEC. 73. *And be it enacted*, That if any person shall have or keep in his or her possession any blank or unfinished note, made in the form and similitude of any promissory note for the payment of money, made to be issued by any incorporated bank of this state, or any of the United States, with intention to fill up and complete such blank or unfinished note, or to permit, cause, or procure the same to be filled up and completed, in order to

Persons having any blank or unfinished note, filling up, or permitting the same to be filled up, in order to pass the same, how considered.

utter or pass the same, or permit, cause, or procure the same to be uttered or passed to defraud any person, or body politic or corporate whatsoever, the person in whose custody or possession such blank or unfinished note shall be found, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Persons having in their possession or keeping any plate for forging &c., how considered.

SEC. 74. *And be it enacted*, That if any person shall have, or keep in his or her custody or possession, any plate for forging or counterfeiting any promissory note for the payment of money, in the form or similitude of any promissory note issued by any of the banks aforesaid, with intent to forge or counterfeit, or to assist in forging or counterfeiting, or to permit, cause, or procure to be counterfeited any promissory note issued by any of the aforesaid banks, the person in whose possession or custody such plate shall be found, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

The punishment for the several preceding offences prescribed.

SEC. 75. *And be it enacted*, That any person convicted of any of the offences mentioned and described in either of the five next preceding sections of this act, shall be punished by fine or imprisonment at hard labor, or both: *Provided*, that such imprisonment shall not exceed the term of ten years, nor such fine the sum of two thousand dollars, at the discretion of the court.

Punishment for the counterfeiting gold or silver coin, prescribed.

SEC. 76. *And be it enacted*, That if any person or persons shall counterfeit, or cause or procure to be counterfeited, any of the species of gold or silver coins now current, or which hereafter shall be current in this state, or shall pass or give in payment, or offer to pass or give in payment the same, knowing the same to be counterfeit, such person or persons so offending shall be deemed guilty of a high misdemeanor, and, being thereof convicted by due course of law, shall be punished by fine or imprisonment at hard labor, or both, at the discretion of the court before whom such conviction shall be had: *Provided* the imprisonment at hard labor shall not exceed the term of ten years, nor the fine the sum of two thousand dollars.

The several specified offences, how punished.

SEC. 77. *And be it enacted*, That assaults, batteries, false imprisonments, affrays, riots, routs, unlawful assemblies, nuisances, cheats, deceits, and all other offences of an indictable nature at common law, and not provided for by this or some other act of the legislature of New-Jersey, shall be deemed and taken to be misdemeanors; and any person so offending shall, on being convicted by due course of law, be punished by fine, not exceeding one hundred dollars, or imprisonment, not exceeding six months, or both.

Further offences specified, and the punishment of the same prescribed.

SEC. 78. *And be it enacted*, That if any person shall commit the crime of mayhem or an atrocious assault and battery upon another, such person shall be deemed guilty of a high

misdemeanor, and, on being thereof convicted by due course of law, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding ten years, or both, at the discretion of the court before whom such conviction shall be had.

SEC. 79. *And be it enacted*, That if any offender, sentenced to hard labor, shall escape, he or she shall, on conviction thereof, suffer such additional confinement at hard labor as the court shall direct.

Escapes from prison &c., how punished.

SEC. 80. *And be it enacted*, That if any offender, sentenced to imprisonment at hard labor for manslaughter, sodomy, rape, arson, burglary, robbery, or forgery, shall be convicted of a second offence of a like nature, such offender shall suffer death.

Conviction of a second offence in certain specified cases, to be punished with death.

SEC. 81. *And be it enacted*, That if any offender, who shall have been sentenced to imprisonment at hard labor for any other crime than those specified in the next preceding section, shall be convicted of a second offence of a like nature, such offender shall be sentenced to imprisonment at hard labor for any period not exceeding double the time for which said offender might have been sentenced for the first offence.

Time of imprisonment on certain occasions to be doubled.

SEC. 82. *And be it enacted*, That if any person be convicted of any offence against this state, not punishable with death, it shall be lawful for the court before whom such conviction shall be had, to order, besides the punishment prescribed by law, that such offender shall find surety to keep the peace, or be of good behavior, or both, in such sum, for such time, and in such number and sufficiency as they shall judge proper.

Offences not punishable with death on conviction, besides the punishment prescribed by law, the offender to give security &c.

SEC. 83. *And be it enacted*, That no person or persons shall be prosecuted, tried, or punished for treason or other offence punishable with death, (murder excepted) unless the indictment for the same shall be found by a grand jury within three years next after the treason or other offence punishable with death, shall be done or committed; nor shall any person be prosecuted, tried, or punished for any offence not punishable with death, unless the indictment shall be found within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided*, that nothing herein contained shall extend to any person or persons fleeing from justice.

No prosecution for treason or other capital offence, murder excepted, unless indictment be found within three years, nor in other cases, unless within two years.

SEC. 84. *And be it enacted*, That the manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck until dead.

SEC. 85. *And be it enacted*, That no conviction or judgment for any of the offences aforesaid, or any other offence against this state, shall make or work corruption of blood, disinherison of heirs, loss of dower, or forfeiture of estate.

No conviction or judgment to work corruption of blood, forfeiture of estate &c.

SEC. 86. *And be it enacted*, That the benefit of clergy shall be, and the same is hereby abolished and for ever done away.

Benefit of clergy abolished for ever.

The action of appeal for murder &c. likewise for ever abolished.

Slaves convicted of certain crimes, may be sent out of this state and of the United States &c.

Proviso.

The power of the governor and council specified.

Proviso.

The punishment of certain specified crimes prescribed.

SEC. 87. *And be it enacted*, That the suit or action of appeal for murder, manslaughter, rape, arson, larceny, mayhem, or other offence or wrong, whatsoever, shall be, and the same hereby is abolished and for ever done away.

SEC. 88. *And be it enacted*, That when any slave shall hereafter be convicted of manslaughter, arson, burglary, rape, robbery, or burning a barn, stable, or other outbuilding, to the value of one hundred dollars, or of setting fire thereto, with intent to burn the same, or of an assault and battery, with intent to commit murder, arson, burglary, rape, or robbery, or of a misdemeanor in poisoning or attempting to poison, and so to endanger the life of any person whatsoever, and shall have judgment of imprisonment for the same, it shall be lawful for the governor of this state, at any time during the said imprisonment, by writing sealed with the great seal, to authorise and empower the owner of such slave to send him or her out of this state and the United States, and to direct the officer in whose custody such slave may be, to deliver him or her to such owner, for that purpose accordingly: *Provided*, that such owner, before he or she shall obtain such authority, shall enter into bond to this state, with one or more surety or sureties, to be approved of by the governor, and filed in the secretary's office, in the penal sum of four hundred dollars, conditioned, that such slave shall be so sent out of this state and the United States, within ten days after such delivery by the said officer, and shall never return to this state without lawful permission: *And provided also*, that such owner, before the delivery of such slave by such officer, shall pay all the costs of the prosecution, imprisonment, and maintenance of such slave, up to the time of such delivery.

SEC. 89. *And be it enacted*, That the governor and council shall have power to liberate from imprisonment any criminal now confined in the prison of this state, or who shall hereafter be confined in said prison after the time for which said criminal hath been sentenced shall have expired, or said criminal hath been pardoned, in cases wherein the said governor and council shall be satisfied that the said criminal hath no property, and is unable, and will continue unable, to earn more than is sufficient to defray the expenses of his or her food and clothing: *Provided*, that nothing in this section shall be construed to destroy, or in any way to impair the right of the state to the property of the said criminal so liberated, wherever any such property can be found.

SEC. 90. *And be it enacted*, That all wilful poisoning of any person or persons that shall hereafter be done, perpetrated, or committed, or attempted to be done, perpetrated, or committed, with intent to kill, although death shall not ensue therefrom, shall be adjudged a high misdemeanor, and the offender or offenders therein, on being thereof convicted, shall be punished by fine, not exceeding one thousand dol-

lars, or imprisonment at hard labor for any term not exceeding fifteen years, or both, at the discretion of the court before whom such conviction shall be had.

SEC. 91. *And be it enacted*, That the act entitled, "An act for the punishment of crimes," passed the eighteenth day of March, seventeen hundred and ninety-six, and an act entitled, "A supplement to the act for the punishment of crimes," passed the eighteenth day of March, seventeen hundred and ninety-six, which said supplement was passed the thirty-first day of May, eighteen hundred and twenty, and the act entitled, "A further supplement to the act entitled an act for the punishment of crimes," passed the eighteenth day of March, seventeen hundred and ninety-six, which said further supplement was passed the third day of November, one thousand eight hundred and twenty, and the act entitled, "A further supplement to the act entitled an act for the punishment of crimes," passed March the eighteenth, seventeen hundred and ninety-six, which said further supplement was passed the seventh day of November, eighteen hundred and twenty-five, and the act entitled, "An additional supplement to the act entitled an act for the punishment of crimes," passed the eighteenth day of March, seventeen hundred and ninety-six, which said additional supplement was passed the seventh day of March, eighteen hundred and twenty-eight, and all other acts or parts of acts coming within the purview of this act, and contrary thereto, be, and the same are hereby repealed: *Provided always*, that such repeal shall in no wise impair or invalidate any thing had or done under or by virtue of any of the aforesaid acts. Certain acts repealed.

C. February 17, 1829.

A SUPPLEMENT to the act entitled, "An act for the punishment of crimes," passed February seventeenth, one thousand eight hundred and twenty-nine.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That nothing contained in the ninety-third section of the act to which this is a supplement shall affect or prevent any proceedings now pending, or which may hereafter be had for any crime or offence committed before the passing of the said act; but all indictments which shall have been found, or which may hereafter be found for any crime or offence committed before the passing of the said act, may be proceeded upon the same as if the said act had not been passed. See 93d section of "An act for the punishment of crimes."

C. February 23, 1829.